

DETERMINATION OF NON-SIGNIFICANCE

PROPOSAL NAME:	Hansen Residence Lifts	
LOCATION:	2415 Killarney Way	
FILE NUMBERS:	20-114719-WG	
PROPONENT:	Eric J. Hansen	

DESCRIPTION OF PROPOSAL:

Installation of a platform boatlift, two lifts for personal watercraft associated with the existing dock on the property, and planting on the shoreline.

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision.

DATE ISSUED: 2/4/2021

APPEAL DATE: 2/18/2021

Issued By:

A written appeal must be filed in the City Clerk's Office by 5 p.m. on the appeal date noted above.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project): or if the DNS was procured by misrepresentation or lack of material disclosure.

Heidi Bedwell, Planning Manager for Date: February 4, 2021

Elizabeth Stead, Environmental Coordinator Development Services Department

Date of Receipt by Ecology:

SHORELINE MANAGEMENT ACT DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

File Number:	20-114719-WG				
Proposal Name:	Hansen Residence Lifts				
Proposal Address and Location:	2415 Killarney Way				
Water Body:	Lake Washington				
Shoreline Environment Designation:	Shoreline Residential				
Proposal Description:					
Land Use review of a Shoreline Substantial Development Permit to install a new platform boatlift and two lifts for					
personal watercraft associated with the existing dock on the property and installation of native planting on the					
shoreline.					
Applicant: ⊠Applicant owns property					
Eric J. Hansen, 2415 Killarney Way, Bellevue, WA 98004					
Applicant Representative:					
Kelsey Meyer, Seaborn Pile Driving Co, 1080 W Ewing St. Bldg. B, Seattle, WA 98119, 206-360-1700,					
permits@seabornpledriving.com					
Application Date:	September 23, 2020				
Notice of Application Date:	November 5, 2020				

February 4, 2021

SEPA Determination: Determination of Non-Significance

SEPA Appeal Deadline: February 18, 2021

Notice of Decision Date:

By: Heidi Bedwell, Planning Manager for

Elizabeth Stead, Environmental Coordinator

Development Services Department

Decision on SSDP: Approval with Conditions Heidi Bedwell, Planning Manager

Heidi Bedwell, Planning Manager

By: for

Michael A. Brennan, Director Development Services Department

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C) (D).

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Attachments to this Decision

Project Plans SEPA Determination of Non-Significance

See project file for all submitted public comments, documents and forms.

I. Proposal Description

The proposal is to install one new platform boatlift and two watercraft lifts associated with the existing pier on the property. Planting of two trees and three shrubs is proposed along the shoreline, within 10 feet of the lake. These improvements are not repair and the value of proposed improvement requires a Shoreline Substantial Development Permit. This application can be approved provided the proposal complies with the requirements in Land Use Code 20.25E.065.H.6 for boat and watercraft lifts. See Attachment 1 for project plans and Figure 1 below for the existing and proposed dock.

Figure 1

LEGEND

(10) EXISTING PILES - NO WORK TO BE DONE

Area: 639 sqft (total)

Area: 639 sqft (over water)

NEW PLATFORM LIFT

NEW PWC LIFT

NEW PWC LIFT

II. Site Description, Zoning, Land Use Context and Shoreline Environment and Functions

A. Site Description

The site is located on Lake Washington and has an existing single-family residence with associated dock. The site has a shoreline environment designation of SR, Shoreline Residential. All work is proposed in the lake Aquatic environment with the exception of the proposed planting. There is one existing boatlift on the north side of the dock that will remain. Existing vegetation along the shoreline primarily consists of lawn and ornamental landscaping which will remain. **See Figure 2 for existing site condition.**

Figure 2





B. Zoning and Land Use Context

The property is zoned R-1.8, a single-family residential zoning district. Surrounding properties are also zoned R-1.8 and developed with single-family residences and docks. The property has a Comprehensive Plan Land Use Designation of SF-L (Single Family Low Density). The project is consistent with this land use designation.

C. Shoreline Environment and Functions

The proposal includes work that is in the Shoreline Residential shoreline environment designation and Aquatic environment. Per LUC 20.25E.010, the shoreline residential environment is to accommodate single or multifamily residential development and

appurtenant structures. A shoreline residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities. An aquatic environment designation is assigned waterward from the OHWM to the City of Bellevue jurisdictional limit.

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al.1996). Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

No upland structures are proposed that are subject to zoning requirements.

B. Shoreline Overlay District LUC 20.25E.065:

The property has frontage along Lake Washington and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark of shorelines identified in LUC 20.25E and the City's Shoreline Master Program. The Shoreline Overlay District regulations (LUC 20.25E) allow residential moorage facilities provided the applicable performance standards in LUC 20.25E.065 are met.

i. Consistency with LUC 20.25E.065.H.6

Boat and Watercraft Lifts. To reduce disturbance of the lake substrate, attached boatlifts and watercraft lifts are preferred over freestanding lifts. Lifts are limited in the number allowed and location:

a. Number. The number of combined boat and watercraft lifts is limited to four per dock.

Finding: The proposal will add three lifts to the existing lift and result in a total of four lifts.

b. Location. The landward stanchion of any boat or watercraft lift shall be located more than 30 feet waterward of OHWM or within 30 feet waterward of OHWM if located in at least 9 feet of water depth when measured from the OHWM unless otherwise approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4 Note 4.

Finding: The proposed platform lift is more than 30 feet waterward from the OHWM. The stanchions of both watercraft lifts are at least 30 feet or more from the OHWM.

c. Number of Lift Canopies Allowed. One fabric watercraft or boat lift canopy is allowed per single-use dock. Two fabric watercraft or boat lift canopies are allowed per joint-use dock. Canopy fabric shall be light-transmitting, unless alternative materials are approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4, Note 4

Finding: No canopies are proposed.

IV. Public Notice and Comment

Application Date: September 23, 2020
Public Notice Date: November 5, 2020
30-Day Comment Period End: December 7, 2020

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on November 5, 2020. It was mailed to property owners within 500 feet of the project site. Comments were submitted from Greg Parsons who lives near the project site, Mary Jo Bruckner who is a neighbor to the north, and from Ms. Bruckner's attorney Patrick Mullaney. Their comments are found in the project file along with responses from the City. Their comments concerned the original proposal that was for a float plane lift instead of the proposed platform lift, operation of float planes, as well as concerns expressed by Ms. Bruckner regarding boat navigability and access to her lifts and dock resulting from the proposed lift on the Hansen property.

Staff required the applicant to revise their proposal to either remove the floatplane lift or revise the lift to a type allowed by the Land Use Code. LUC 20.25E.065.H only allows boatlifts or watercraft lifts and does not allow plane lifts. The use of floatplanes is not regulated by the City's shoreline code. However, the code does not allow moorage lifts for floatplanes. The plans included in this approval show a platform lift which is defined as a type of boatlift per LUC 20.25E.065.H.2.

The other concern raised in the comments was in regard to the proposed location of the lift in relation to the dock and lifts owned by Ms. Bruckner and that the proposed lift would impact navigability and access to the Bruckner dock. The proposed platform lift is located on the Hansen property and exceeds the minimum 10-foot setback from the property line required by LUC 20.25E.065.H.4 as depicted on the project plans. The intent of this setback is to ensure no

encroachments from structures as well as to allow some area for navigation. Each property is required to a have 10-foot setback which in total, creates a 20-foot wide area between all structures and lifts for access and navigation. The proposed platform lift on the Hansen property is no further north than the existing dock. Based on measurement in the City's mapping system the distance between the proposed Hansen lift and existing dock and the Bruckner lifts and dock is approximately 56 to 58 feet. This distance exceeds the 20-foot combined setback area required by the code. There is no other requirement in the Land Use Code that addresses navigability or prevents the proposed lift location. See Figure 3 below for distance measurement between the Hansen and Bruckner moorage facilities.



Figure 3

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility

codes and standards and approved the application.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from the proposed lift installations and minor disturbance is anticipated as the only in-water work is placement of the lifts.

B. Animals

Chinook salmon, bull trout, and steelhead are found in Lake Washington. Provided that it meets City standards, the proposal is allowed. Fish species and their habitat will be protected during the project construction through the timing of in-water work. The applicant will be required to receive State and Federal permit approval and all in-water work is required to occur within the construction window as established by the agencies to minimize or avoid impacts to fish and wildlife. See Conditions of Approval regarding in-water work and additional agency permitting in Section X of this report

C. Plants

Existing vegetation on the shoreline is sparse, consisting of lawn and ornamental plants. Planting of two trees (Shore Pine and Oregon ash) and three Nootka Rose shrubs is proposed within 10 feet of the OHWM.

VII. Changes to Proposal Due to Staff Review

The applicant was required to revise their plans to remove the proposed floatplane lift and/or proposed a permitted lift type per LUC 20.25E.065 and to ensure all proposed lifts were at least 30 feet waterward of the OHWM or that they had the required nine feet of depth.

VIII. Decision Criteria

LUC 20.25E.160.D Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications a Shoreline Substantial Development Permit if:

The proposal is consistent with the policies and procedures of the Shoreline Management Act;

Finding: As evaluated, the proposal is consistent with applicable policies and procedures of the Shoreline Management Act (SMA). The SMA includes broad policies that give priority to water-dependent uses and activities and single-family residences are specifically identified as a preferred use.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC;

Finding: The proposal is consistent with 173-27 WAC.

3. The proposal is consistent with the SMP;

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

4. The proposal will be served by adequate public facilities including streets, fire protection, and utilities;

Finding: The proposed platform lift and watercraft lifts do not alter existing service of public facilities to the property.

5. The proposal is consistent with the Bellevue Comprehensive Plan;

Finding: Shoreline Management Goal 6. To recognize existing residential uses and to regulate new residential construction within the intent of shoreline policies.

The proposal is consistent with the City of Bellevue Shoreline Comprehensive Plan policies SH-3, SH-18, SH-90, and SH-93.

POLICY SH-3. Locate and design uses and development to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife and material necessary to create or sustain their habitat, particularly those species dependent on migration

POLICY SH-18. Give preference to residential and water dependent, water-enjoyment, and water-related uses (in that order) when the use, activity, or development preserves shoreline ecological functions and processes or, where necessary, mitigates impacts to water quality, fish and wildlife habitat, and other shoreline functions

POLICY SH-90. Allow piers, docks, and floats only for residential or water-dependent uses such as access to pleasure craft, emergency vessels, recreation, commercial uses, and public access.

POLICY SH-93. Design and construct new or expanded piers and their components, such as boatlifts and associated fabric canopies, to prevent or minimize impacts on nearshore ecological functions, including aquatic vegetation and fish and wildlife habitat.

The proposed platform lift and watercraft lifts are consistent with this goal to allow residential use of the shoreline, as well as the above policies as these lifts allow and enhance existing residential shoreline recreation, ensure continued surface navigation, and will be constructed with materials and at times suitable for in-water construction to avoid any adverse effect on water quality, vegetation, fish, and wildlife in or near the water.

6. The proposal complies with applicable requirements of the Bellevue City Code.

Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the installation of a platform lift and two watercraft lifts to an existing pier at 2415 Killarney Way. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. Any future permits and plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

<u>Note- Expiration of Approval:</u> In accordance with LUC 20.25E.250, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to commence construction, use, or activity granted by the shoreline permit within two years of the effective date of the permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250.

Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person		
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860		
Utilities – BCC Title 24	Jeremy Rosenlund, 425-452-7683		
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350		
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350		

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. Federal and State Permits: Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work. A copy of the approved federal and state permits is required to be submitted under the building permit application. Any changes required by federal or state review shall be shown on the plans.

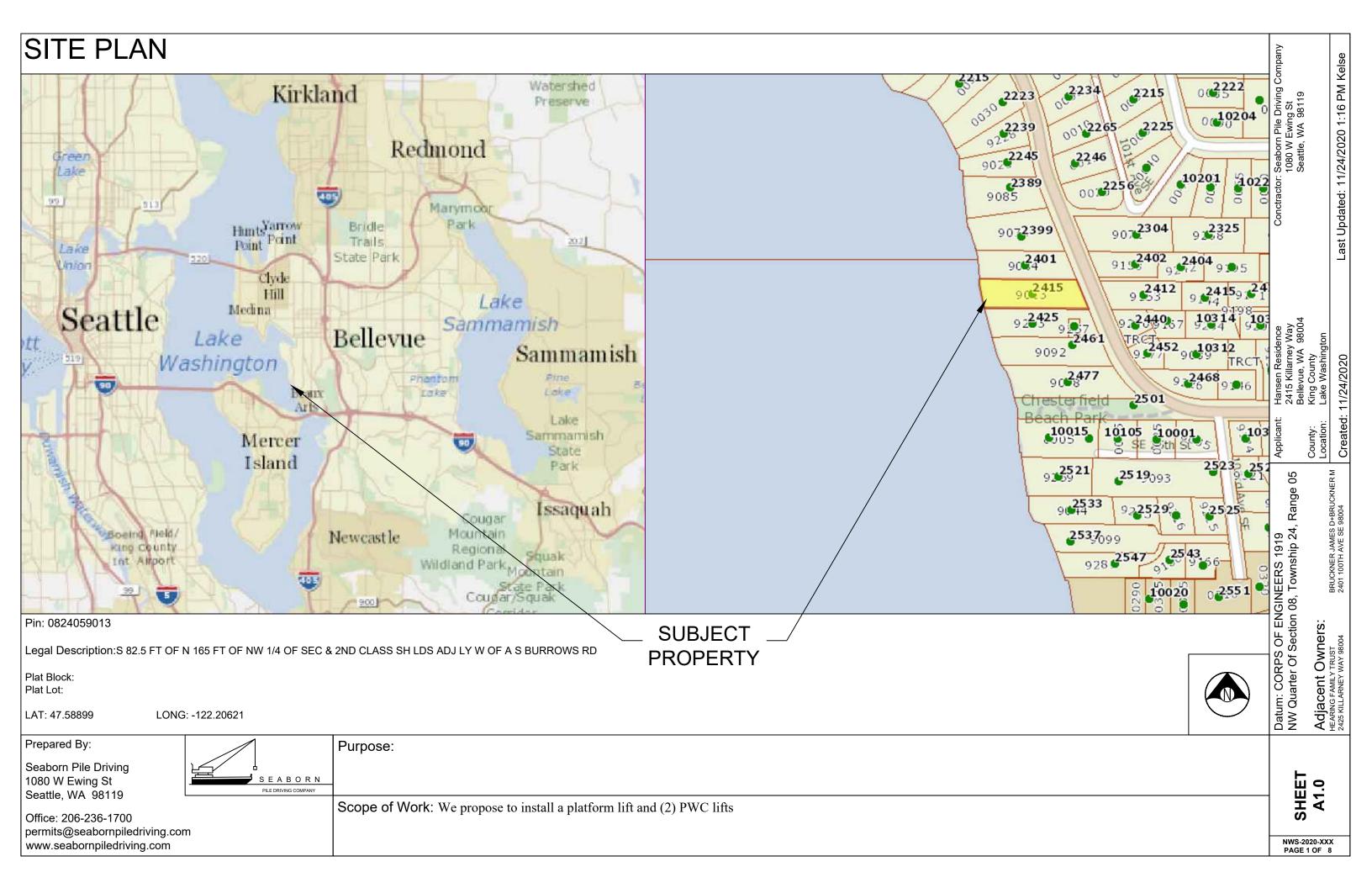
Authority: Land Use Code 20.25E.065

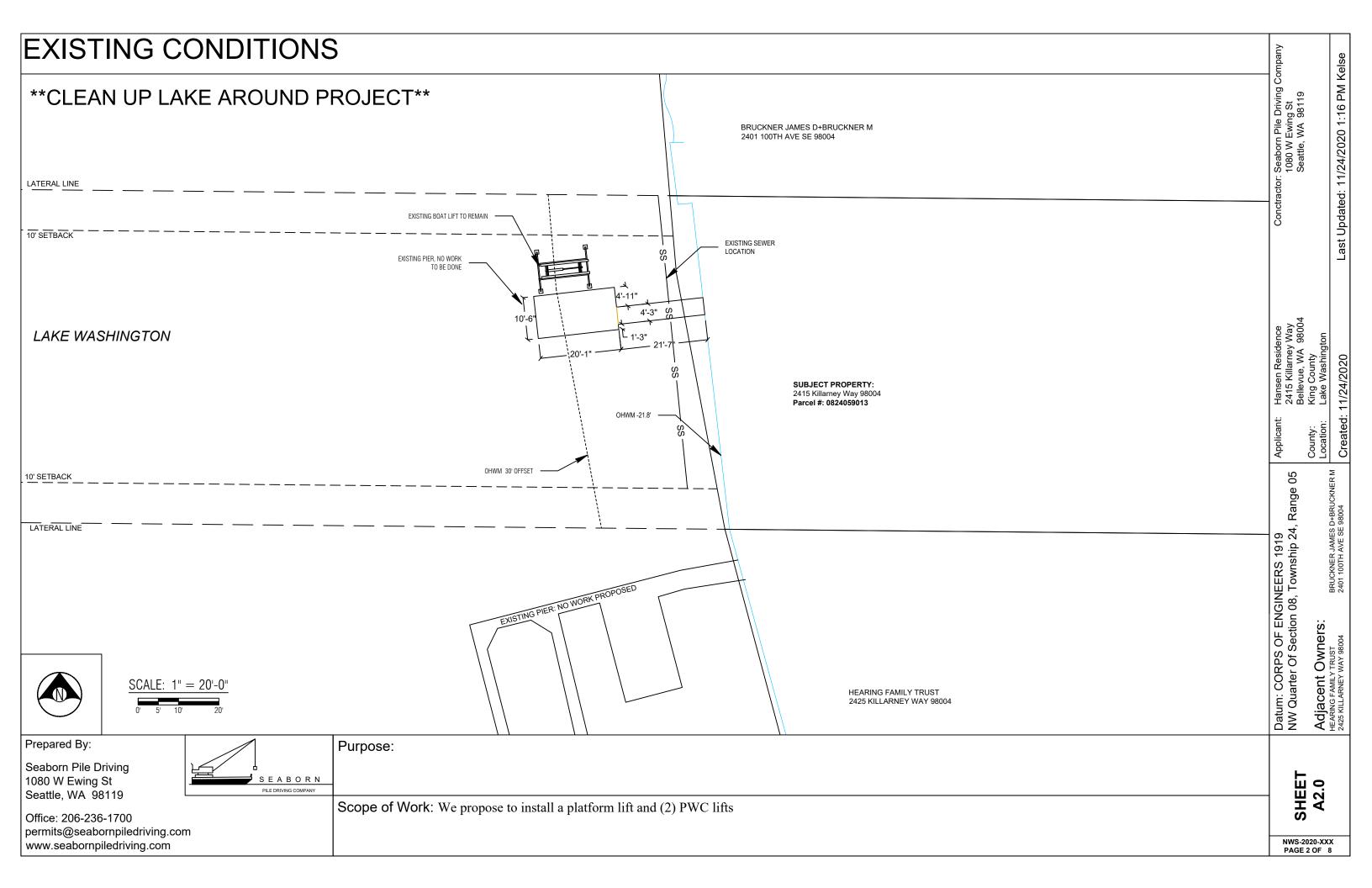
Reviewer: Reilly Pittman, Development Services Department

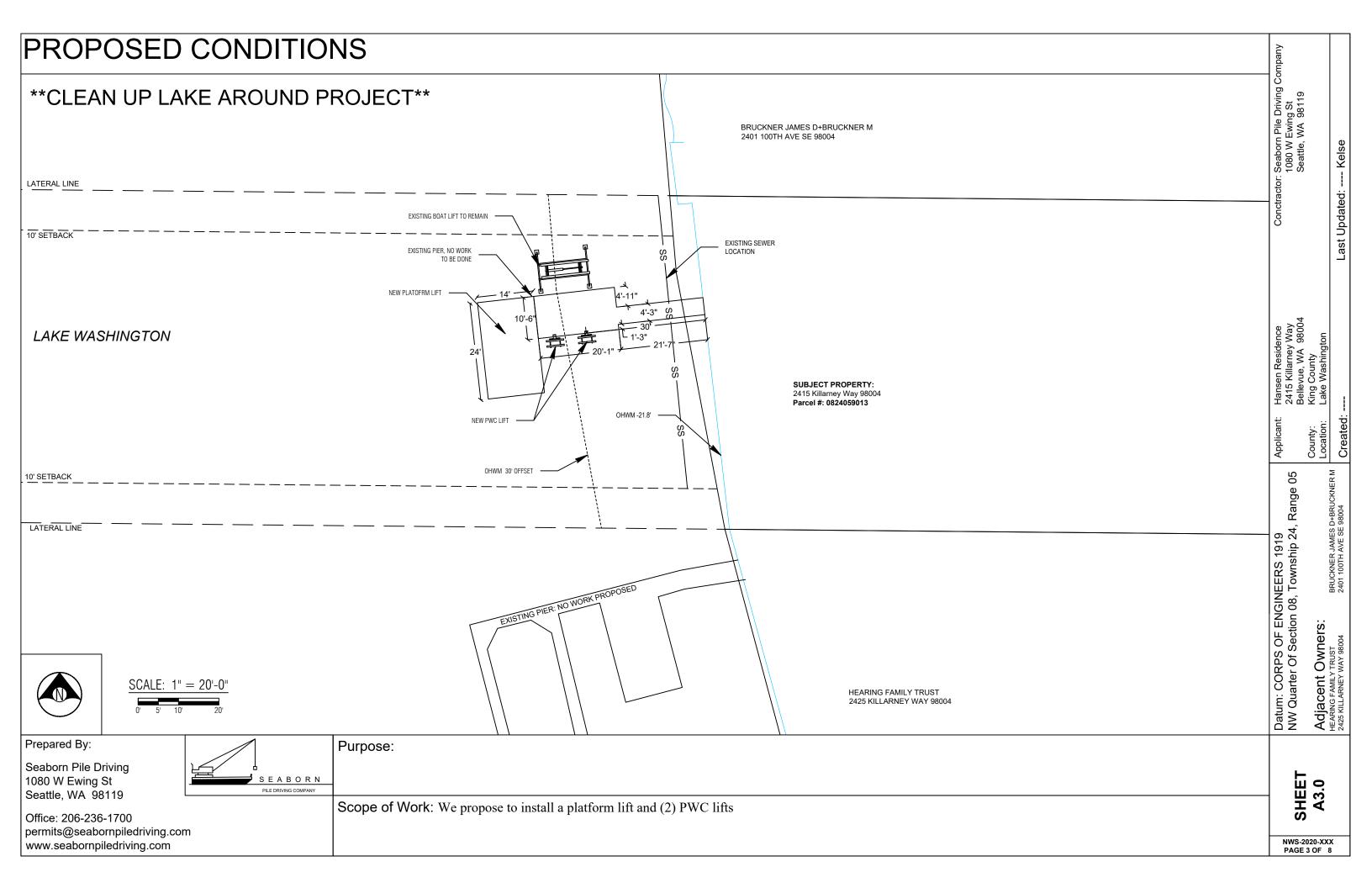
In-Water Work Window: The US Army Corps of Engineers regulates work windows for when work can occur in Lake Washington and this project shall comply with the approved work window.

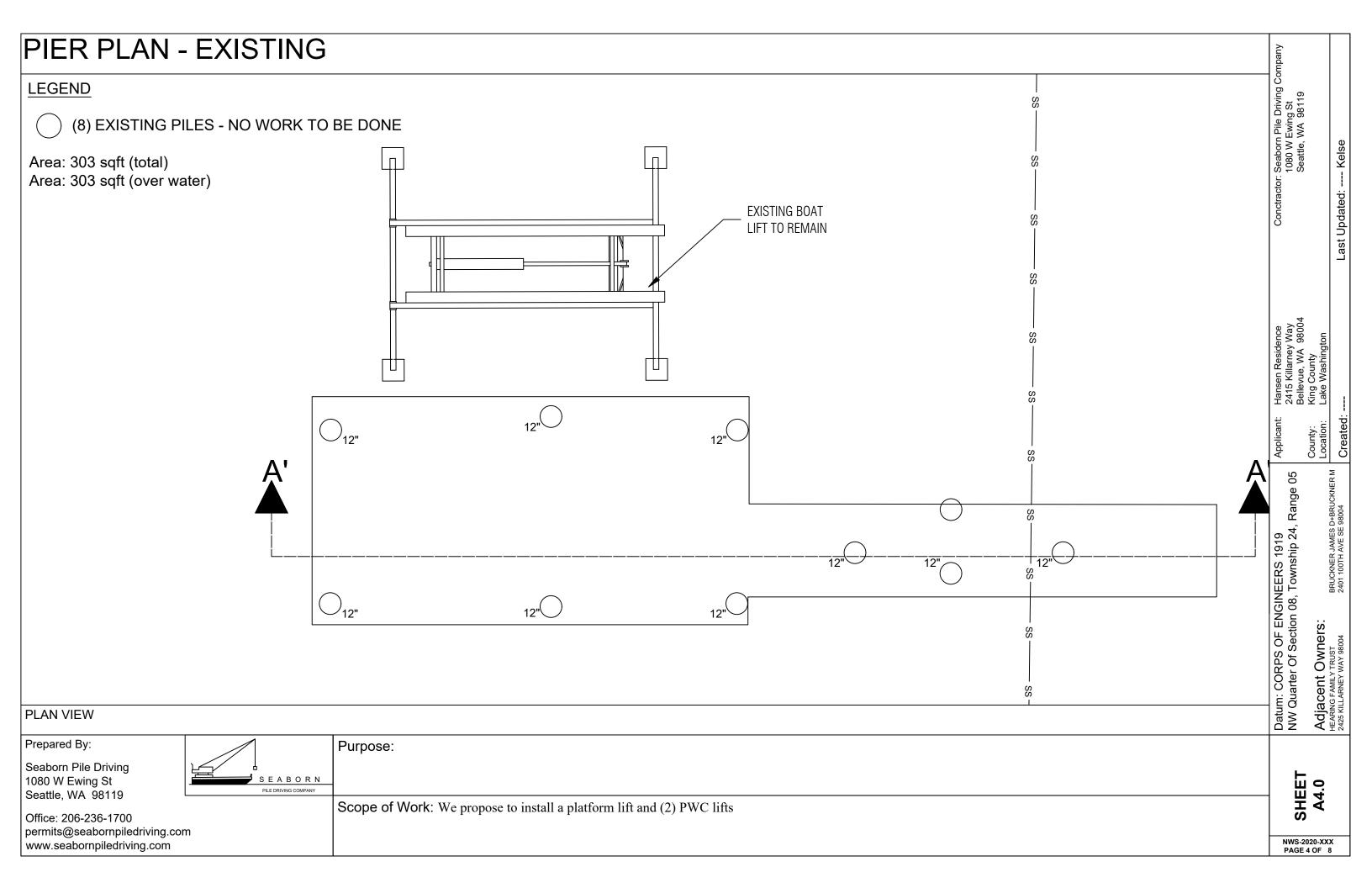
Authority: Land Use Code 20.25E.160

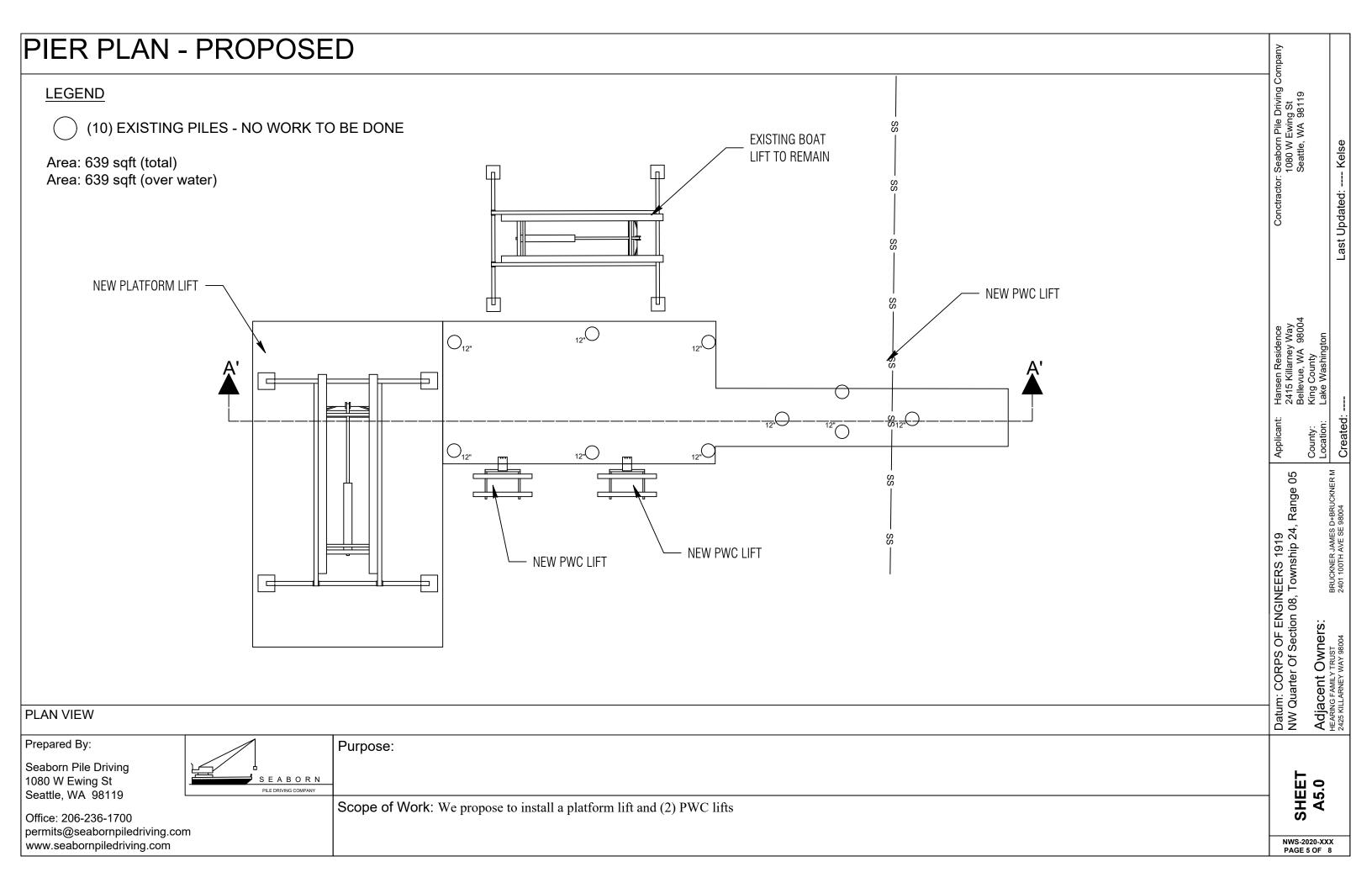
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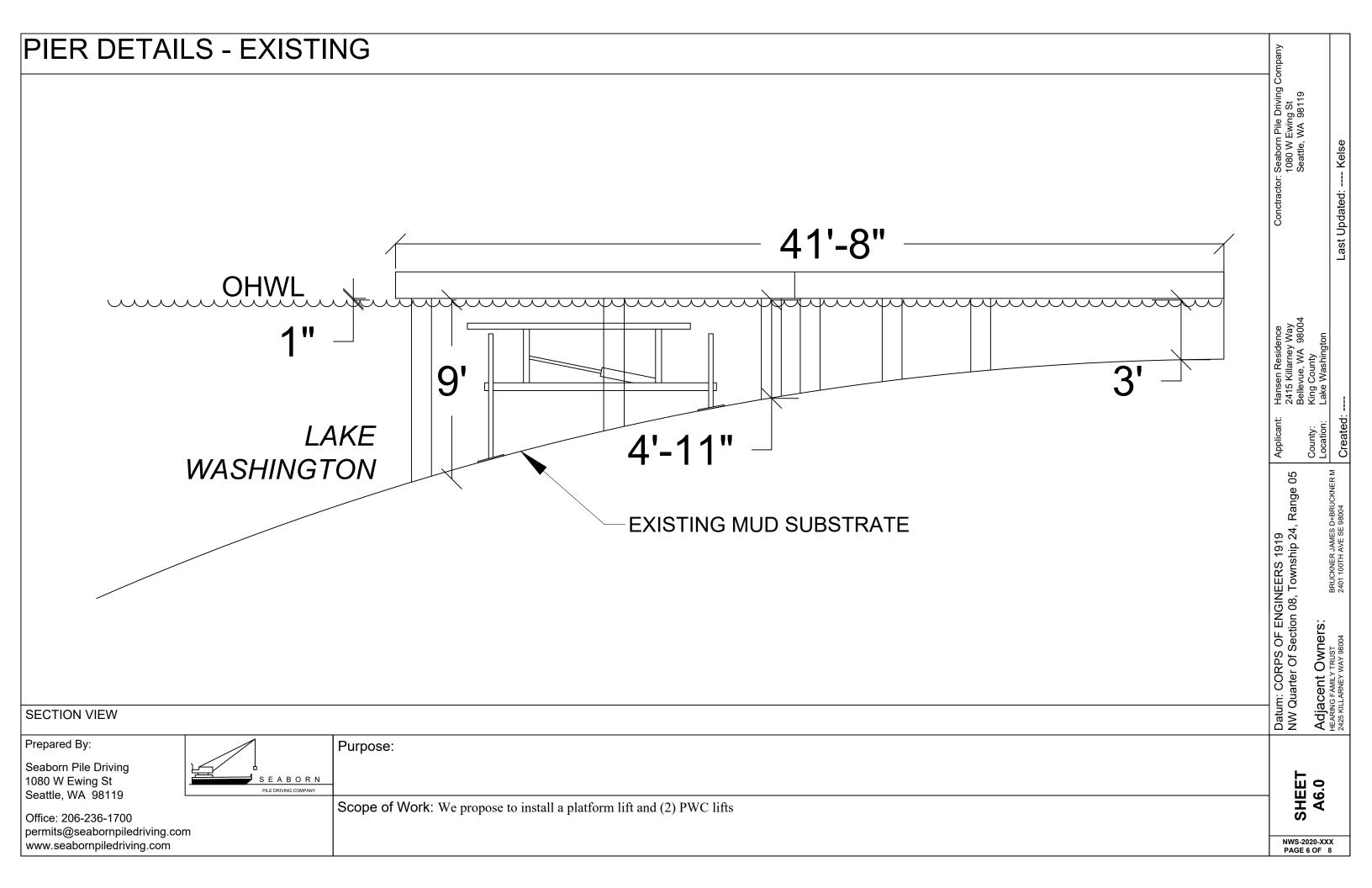


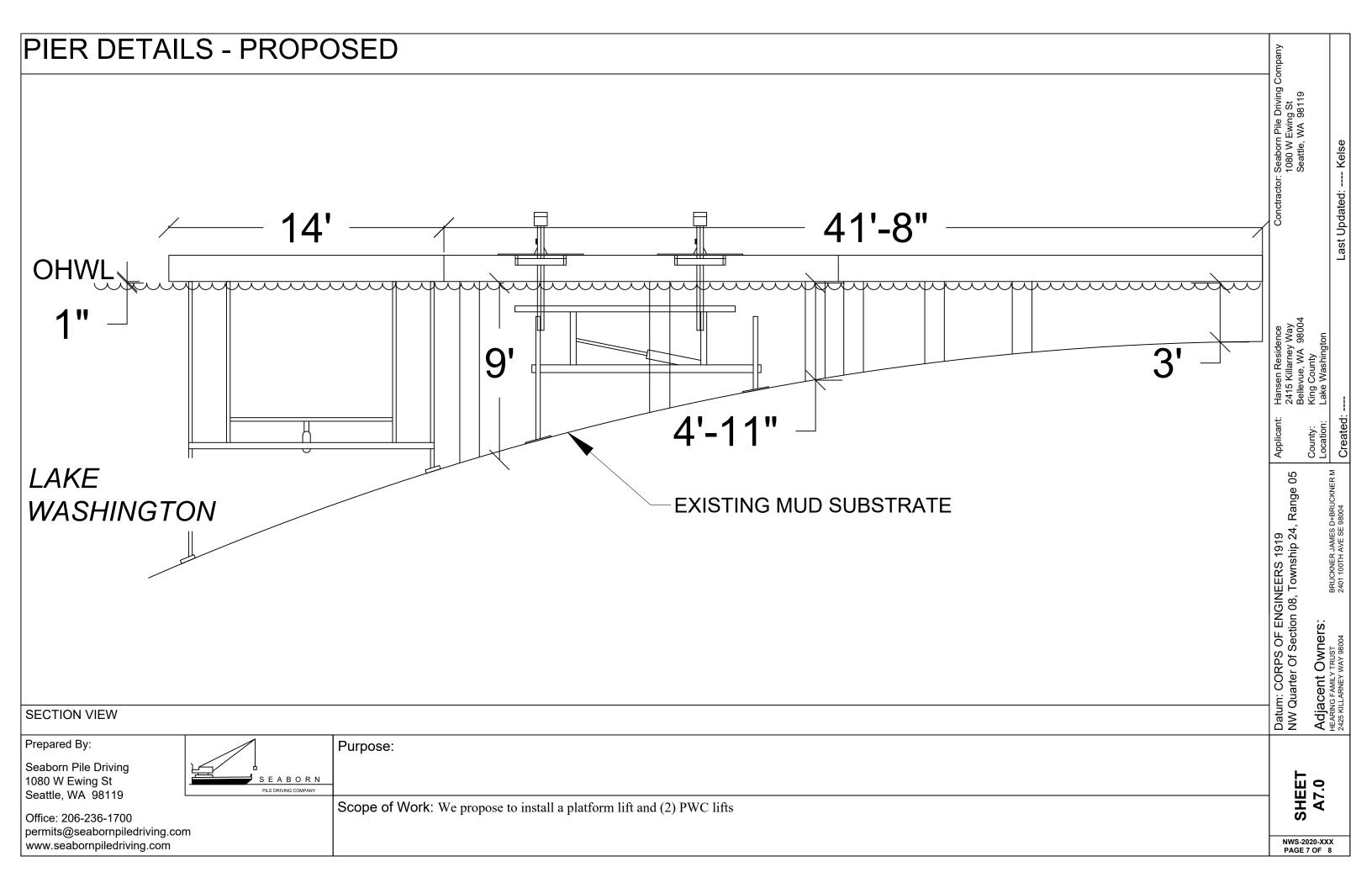




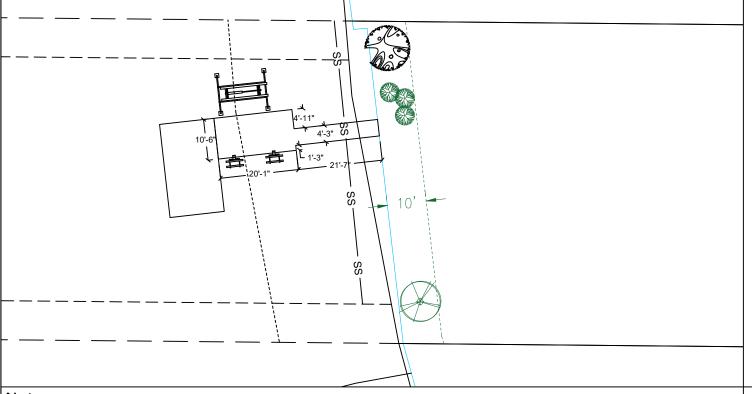


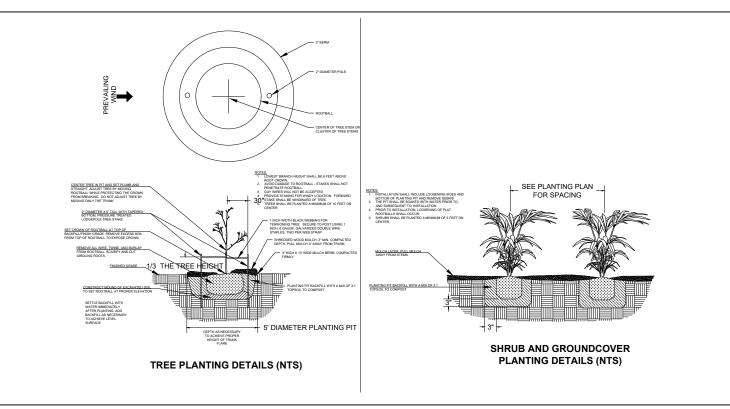






MITIGATION PLAN





Notes:

- 1. Shrubs are show, and shall be planted, at least five feet on center. Trees are show, and shall be planted, at least ten feet to center.
- 2. The property owner will implement and abide by the shoreline planting plan. The plants shall be installed before or concurrent with the work authorized by this permit. A report, as-built drawing and photographs demonstrating the plants have been installed or a report on the status of project construction will be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, within 12 months from the date of permit issuance. This reporting requirement may be met by completing and submitting a U.S. Army Corps of Engineers approved Report for Mitigation Work Completion form.
- 3. The property owner will maintain and monitor the survival of installed shoreline plantings for five years after the U.S. Army Corps of Engineers accepts the as-built report. Installed plants shall achieve 100% survival during monitoring Years 1 and 2. Installed plants shall achieve at least 80% survival during monitoring Years 3, 4 and 5. Percent survival is based on the total number of plants installed in accordance with the approved riparian planting plan. Individual plants that die will be replaced with native riparian species in order to meet the survival performance standards.
- 4. The property owner will provide annual monitoring reports for five years (Monitoring Years 1-5). Each annual monitoring report will include written and photographic documentation on plant mortality and replanting efforts and will document whether the performance standards are being met. Photos will be taken from established points and used repeatedly for each monitoring year. In addition to photos at designated points, photo documentation will include a panoramic view of the entire planting area. Submitted photos will be formatted on standard 8 1/2 x 11" paper, dated with the date the photo was taken, and clearly labeled with the direction from which the photo was taken. The photo location points will be identified on an appropriate drawing. Annual shoreline planting monitoring reports will be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, by November 31 of each monitoring year. This reporting requirement may be met by completing and submitting a U.S. Army Corps of Engineers approved Mitigation Planting Monitoring Report form.

SEABORN

PROPOSED PLANTING SPECIES/QUANTITIES

SYMBOL	LATIN NAME	COMMON NAME	QTY	SIZE
	Fraxinus latifolia	Oregon Ash	1	3 Ft
	Rosa nutkana	Nootka Rose	3	1 Gallon
G. J	Pinus contorta v contorta	Shore pine	1	3 Ft

PLANTS: Shrubs to be installed 5ft on center and trees to be installed 10ft on center.

Prepared By:

Seaborn Pile Driving 1080 W Ewing St Seattle, WA 98119

Office: 206-236-1700

permits@seabornpiledriving.com www.seabornpiledriving.com Purpose:

Scope of Work: We propose to install a platform lift and (2) PWC lifts

SHEET A8.0

Adjacent (
HEARING FAMILY:
2425 KILLARNEY V

Datum: CORPS OF ENGINEERS 1919 NW Quarter Of Section 08, Township 24, Range 05

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